



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,033	05/10/2001	Guoping Zhang	12126	7868

7590 09/23/2002

Raymond Van Dyke
Suite 300 South
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004

EXAMINER

FETZNER, TIFFANY A

ART UNIT PAPER NUMBER

2862

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/852,033

Applicant(s)
Zhang, Guoping

Examiner
Tiffany Fetzner

Art Unit
2862



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2862

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1-33**, drawn to a user interface operable to create, on a display device, a window for displaying a plurality of menu editor items, [See claims 1-18] and a method for using that interface for the creation and customization of pulse sequences [See claims 19-33] classified in **class 600, subclass 523**. Art Unit 3762 [See for example US patent 6,014,581 issued January 11th 2000 to **Whayne et al.**, entitled "Interface for Performing a diagnostic or therapeutic Procedure on the Heart Tissue with an Electronic Structure". Other related class/subclasses include: 600/525; 600/300; 128/920
 - II. **Claims, 34-45** drawn to A magnetic resonance imaging system for the creation and customization of pulse sequences [See claims 34-45], classified in class 324, subclass 318. [Magnetic resonance electronic measuring and testing components] The examiner notes that other related class/subclasses for magnetic resonance imaging systems in include: class 324/307, 312, 322, 300 Art Unit 2862.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because claims 1-33

Art Unit: 2862

read on any usable operable interface that can display, create, and edit menu items, and represent a sequence in graphical form. There are numerous computer processor interfaces, in a multitude of arts that read on these claims. Including bio-tech gene sequencer interfaces, MRI, x-ray, medical ultrasound, PET, and other areas of diagnostic imaging, or even digital image/signal processing. The subcombination has separate utility such as being specifically directed toward a magnetic resonance imaging system, with other MR imaging system components and limitations. The examiner notes that the combination as claimed for Group I does not require the particulars of the subcombination (i.e. group 2) as claimed for patentability because Group I has a much broader scope than Group II.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. A telephone call was made to Attorney Raymond Van Dyke Reg. No. 34,746 on September 17th and 18th 2002 to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant is advised that the reply to this

Art Unit: 2862

requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


7. The examiner notes that if applicant's invention is intended for a magnetic resonance system, and applicant wishes to submit an amendment as a way to overcome the above restriction requirement, that the limitation of a magnetic resonance system or method should be clearly present in each of applicant's independent claims. Additionally, should the applicant wish to discuss the restriction requirement with the examiner, the examiner invites applicant to request a telephone interview.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Fetzner whose telephone number is (703) 305-0430. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm., and on alternate Friday's from 7:00am to 3:30pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (703) 305-4816. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3432 .

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.


TAF

September 19, 2002


EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800